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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/526,797 05/02/90 SMITH

T 39-62

EXAMINER

BENTLEY, S

ART UNIT

PAPER NUMBER

2201

DATE MAILED: 05/20/92

STANLEY C. SPOONER  
NIXON & VANDERHYE  
2200 CLARENDON BLVD, 14TH FL.  
ARLINGTON, VA 22201

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined

☒ Responsive to communication filed on

☒ This action is made final.

A ~~statutory~~ statutory period for response to this action is set to expire SIX month(s), 4/3/92 from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.        | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948.                   |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.  | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/>  |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-6, 10-11 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2. ☒ Claims 7-9 have been cancelled.

3. ☒ Claims 10-11 are allowed.

4. ☒ Claims 1, 4 are rejected.

5. ☒ Claims 2-3, 5-6 are objected to.

6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☒ The proposed additional or substitute sheet(s) of drawings, filed on 4/3/92 has (have) been ☒ approved by the examiner. ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed on \_\_\_\_\_, has been ☐ approved. ☐ disapproved (see explanation).

12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

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INFORMATION

EXAMINER'S ACTION

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(u) 1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

(c) 2. Claim 1 is rejected under 35 U.S.C. 102 (b) as being anticipated by Arnett.

Note column 1, lines 39-55.

(c) 3. Applicant's arguments filed April 3, 1992, have been fully considered but they are not deemed to be persuasive. Valves 166, 168, 170 and 172 are "metering valve means" in accordance with the broad claim language since, as disclosed at column 3, lines 61-69, they valve metered fuel supply conduit 36. Unmetered flow of fuel from pump 32 anticipates the broad claim language "fuel at a predetermined reference pressure" since the pressure provided by pump 32 is "predetermined" albeit subject to various parameters such as demand.

(c) 4. Claim 4 is rejected under 35 U.S.C. 103 as being unpatentable over Arnett in view of Robson.

At the time the invention was made, Arnett disclosed or described a fuel control system as claimed with the difference that the subject matter of the relief valves was not set forth. However, at that time, Robson taught such valves 12a and the advantages thereof, column 7, lines 2-11. From such teachings, it would have been obvious to a person having ordinary skill in this art that Arnett may be provided with relief valves for the purpose of securing the advantages of Robson. Accordingly, the claimed subject matter as a whole is rejected as obvious.

(c) 5. Applicant's arguments filed April 3, 1992, have been fully considered but they are not deemed to be persuasive. From the teachings of Robson pointed out above, one of

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ordinary skill in this art, at the time the invention was made, would have found it obvious to include relief valves in the respective burner mainfolds of Arnett. See Graham v. Deere, 148 U.S.P.Q. 459 (Supreme Court 1966).

- (c) 6. Applicant has submitted without comment British Search Reports containing Category X documents relevant to claim 1. Since British Category X corresponds to rejections under 35 USC 102(b) in the United States and claim 1 in the British priority document is similar to claim 1 (Amended) in this application, the following rejections are made in response to applicant's submission:

Claim 1 is rejected under 35 U.S.C. § 102 (b) as being anticipated by each of GB A 2,184,169 (Note pre-filling line 38); 1,423,361 (Note priming device 200 in Fig. 1); 1,305,613 (Note page 1, lines 61-71 and that this is a family member of Arnett cited above.); 1,293,672 (Note page 3, line 125 to page 4, line 15.); and 853,706.

- (v) 7. Claims 2-3 and 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

- (v) 8. Claims 10-11 are allowable over the prior art of record.

- (v) 9. Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See MPEP 706.07(a).

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(U)

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Bentley whose telephone number is (703) 308-0499. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0511.

Bentley/05-14-92

*Stephen C. Bentley*

STEPHEN C. BENTLEY  
EXAMINER  
GROUP ART UNIT 221

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